

Magistrate Judge Brian A. Tsuchida

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AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
BY DEPUTY

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

IN THE MATTER OF THE SEARCH OF:

300 5<sup>th</sup> Avenue, Suite 1200, Seattle, WA

NO. MJ15-062JPD

**GOVERNMENT'S  
MOTION TO UNSEAL SEARCH  
WARRANT RELATED MATERIALS  
AND [PROPOSED] ORDER**

The United States of America, by and through Annette L. Hayes, United States Attorney for the Western District of Washington, and Francis Franze-Nakamura, Assistant United States Attorney for said District, requests entry of an order unsealing the search warrant, application, affidavit in support and accompanying return ("search warrant related materials") filed in the above captioned matter. The Court previously directed that the search warrant related materials be sealed at the government's request. The materials were to remain sealed until further order of the Court.

The law provides that search warrant related materials may remain under seal during the pendency of an investigation. *See United States v. Custer Battlefield Museum*, 658 F.3d 1188, 1192-93 and 1196 (9th Cir. 2011). In addition, the government may seek an order continuing to maintain the materials under seal even after the return of an indictment or the closure of an investigation based on compelling reasons. *Id. at 1195*.

1 Those reasons can include the need to (1) protect the identity and safety of witnesses, (2)  
2 protect the integrity of other investigations, (3) avoid risk of flight, tampering with  
3 witnesses, or destruction of evidence, (4) protect a national security concern, (5) protect a  
4 matter occurring before the grand jury, (6) protect victims, or (7) protect the safety of the  
5 target of the investigation.

6 Upon review of the files in this matter, and with due consideration of the factors  
7 identified above, the government has determined there is no longer a compelling reason  
8 to maintain the materials under seal and respectfully requests entry of the attached order.

9 DATED this 5<sup>th</sup> day of October, 2015.

10  
11 Respectfully submitted,

12 ANNETTE L. HAYES  
13 United States Attorney

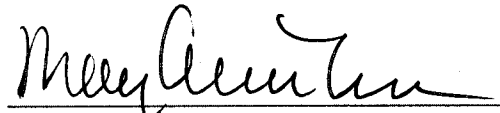
14  
15 /s/ Francis Franze-Nakamura  
16 FRANCIS FRANZE-NAKAMURA  
17 Assistant United States Attorney  
18 United States Attorney's Office  
19 700 Stewart Street, Suite 5220  
20 Seattle, WA 98101-1271  
21 Phone: (206) 553-4402  
22 Fax: (206) 553-4440  
23 E-mail: Francis.Franze-Nakamura@usdoj.gov  
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1 **ORDER**

2 Based upon the government's Motion, and the representations made therein, the  
3 Government's Motion to Unseal is GRANTED.

4 IT IS HEREBY ORDERED that the search warrant, application, affidavit in  
5 support and accompanying return previously filed under seal in the above-captioned  
6 matter shall be UNSEALED.

7 DATED this 5 day of October, 2015.

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10 ~~BRIAN A. TSUCHIDA~~

11 United States Magistrate Judge  
12 **MARY ALICE THEILER**  
13 **US MAGISTRATE JUDGE**  
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